REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1, 4-11, 14-21, 24-31, 34-41, and 44-49 are pending. Claim 44 has been amended to correct an inadvertent dependency error. Claims 1, 11, 21, 31, and 41 have been amended to incorporate a feature similar to the feature of claim 49.

Withdrawal of the rejection of claims 14-20 under 35 USC 101 is noted with appreciation.

Claims 21-30 are not indefinite

The rejection of claims 21-30 under 35 USC 112, second paragraph, as being indefinite is hereby traversed as the PTO has failed to identify more specifically the lack of definiteness and/or suggest acceptable alternative language per the MPEP, see e.g., MPEP §2173. The meaning of "it is not a standard definition for ascertaining the requisite degree as required M.P.E.P." is not understood and clarification is requested. Present Official Action at page 2, section 8. Specifically, the PTO is requested to identify the particular section of the MPEP relied upon and specifically identify the lack of definiteness present in the claim terms. Absent a citation of authority and an identification of the lack of definiteness, withdrawal of the rejection is believed to be in order.

Further, because the language of the terms of the claim appear definite and are not inconsistent with the specification disclosure, the claim terms do not "take on an unreasonable degree of uncertainty" contrary to the PTO assertion and withdrawal of the rejection is respectfully requested.

Further still, because the language of the claim is such that a person of ordinary skill in the art could interpret the metes and bounds of the claim so as to understand how to avoid infringement, a rejection of the claim under 35 USC 112, second paragraph, is believed to be inappropriate.

The instant specification states that the phrase "minimally causes the processor" is:

> intended to serve as an open-ended enumeration of functions performed by the processor as it executes a particular functional process (i.e. instruction sequence). As such, an embodiment where a particular functional process causes the processor to perform functions in addition to those defined in the appended claims is to be included in the scope of the claims appended hereto.
>
> Instant specification at paragraph 36.

Based on at least the foregoing, the specification is believed to provide a standard for ascertaining the scope of the claim term with a reasonable degree of clarity and particularity and the rejection is respectfully requested to be withdrawn.

Amended and unamended claims 1, 4, 5, 7-11, 14, 15, 17-20, 41, 44, 45, 48, and 49 are not anticipated by *Williams (Mickey Williams, "Microsoft Visual C# .NET")*

The rejection of claims 1, 4, 5, 7-11, 14, 15, 17-20, 41, 44, 45, 48, and 49 under 35 USC 102(b) as being anticipated by *Williams* is hereby traversed. A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently. Claim 1 is patentable over *Williams* because the reference fails to disclose or suggest every element of claim 1.

Claim 1

Williams fails to disclose or suggest "receiving an assertion from an executing process, wherein the executing process is integral to an operating system" as claimed in amended claim 1.

First , the PTO asserts that *Williams* describes an executing process is integral to an operating system at page 11, line 3. This is incorrect. The PTO-identified portion of *Williams*, provided for ease of reference, states:

> When a *DefaultTraceListener* object detects that the *Assert* method has been called from a server process, the listener doesn't display a dialog box because there's not interactive user to observe and dismiss the dialog box.
>
> *Williams* at page 11, lines 3-5.

The above portion of *Williams* fails to disclose or suggest that either the *DefaultTraceListener* object or the server process is a process which is integral to an operating system as claimed in amended claim 1. The calling of an *Assert* method from a server process

fails to identify whether the process is integral to an operating system. For at least this reason, withdrawal of the rejection is respectfully requested.

Second, the PTO asserts that *Williams* discloses that "Assert Generates an assertion violation message if a supplied expression is *false*." See Present Official Action at page 3, lines 7-10. However, the selected portion of *Williams* fails to disclose or suggest recognizing an assertion request type. Rather, the PTO-identified portion of *Williams* appears to describe the generation of an assertion based on the evaluation of an expression without considering the type of the assertion request nor whether the assertion request type corresponds to the assertion request. The "true/false" of *Williams* appears to be used as a value for determining whether to generate an assertion, prior to the generation of an assertion request. For at least this reason, withdrawal of the rejection is respectfully requested.

Third, the PTO additionally asserts that in order to make "the decision about output, the switch object has to be able to recognize an assertion request type/Boolean type." See Present Official Action at page 3, lines 10-12. However, the PTO fails to identify any support in *Williams* of using the SwitchObject in conjunction with an Assert method. *Williams* states that "Switch objects are used to provide Boolean values that are used in conjunction with the *WriteIf* and *WriteLineIf* methods." That is, *Williams* appears to state the use of Switch objects in conjunction with the WriteIf and WriteLineIf methods and not the Assert method. For at least this reason, withdrawal of the rejection is respectfully requested.

Fourth, the PTO additionally asserts that the BooleanSwitch class "has to be able to determine the sourced information before control (sic) the output." As set forth above, the PTO has failed to demonstrate in *Williams* a use of the BooleanSwtich class in conjunction with the Assert method as impliedly asserted by the PTO. For at least this reason, withdrawal of the rejection is respectfully requested.

Fifth, the PTO also asserts that *Williams* discloses accepting the assertion request when the determined component has assertion requests enabled at page 13, lines 25-27. As set forth with respect to the third point above, this is incorrect. *Williams* fails to disclose or suggest the use of the BooleanSwitch class in conjunction with the Assert method as asserted by the PTO. The cited code, i.e., Trace.WriteLinIf (theSwitch.Enabled, "An overdraft occurred")), appears to

be related to controlling tracing or debugging output during the WriteLineIf method and not during an Assert method use. For at least this reason, withdrawal of the rejection is respectfully requested.

Based on each of the foregoing reasons, amended claim 1 is patentable over *Williams* and the rejection is respectfully requested to be withdrawn.

Claims 11, 41, and 49

Claims 11, 41, and 49 are patentable for at least reasons similar to those advanced above with respect to claim 1 and the rejection of claims 11, 41, and 49 is respectfully requested to be withdrawn.

Claims 4-5, 7-10, 14-15, 17-20, 44, 45, and 48

Claims 4-5, 7-10, 14-15, 17-20, 44, 45, and 48 depend, either directly or indirectly, from claims 1, 11, and 41, include further limitations, and are patentable over *Williams* for at least the reasons advanced above with respect to claim 1. The rejection of claims 4-5, 7-10, 14-15, 17-20, 44, 45, and 48 should be withdrawn.

Claims 6, 16, 26, and 36 are not obvious over *Williams* in view of *Cantrill (US 7,146,473)*

The rejection of claims 6, 16, 26, and 36 under 35 USC 103(a) as being obvious over *Williams* in view of *Cantrill* is hereby traversed. Claims 6, 16, 26, and 36 depend, either directly or indirectly, from claims 1, 11, 21, and 31, include further limitations, and are patentable over *Williams* in view of *Cantrill* for at least the reasons advanced above with respect to claims 1, 11, 21, and 31, respectively. The rejection of claims 6, 16, 26, and 36 is respectfully requested to be withdrawn.

Claims 21-25, 27-35, and 37-40 are not obvious over *William*

The rejection of claims 21-25, 27-35, and 37-40 under 35 USC 103(a) as being obvious over *Williams* is hereby traversed. Claims 21 and 31 are patentable over *Williams* for at least the reasons advanced above with respect to the 35 USC 102(b) rejection. Claims 22-25, 27-30, 32-35, and 37-40 depend, either directly or indirectly, from claims 21, and 31, include further limitations, and are patentable over *Williams* for at least the reasons advanced above with respect

to claims 21, and 31, respectively. The rejection of claims 21-25, 27-35, and 37-40 is respectfully requested to be withdrawn.
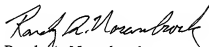
Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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